

# HOUSE BILL 858

L6

2lr2772

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By: **Delegate Gilchrist**

Introduced and read first time: February 9, 2012

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Land Use – Local Historic District Commissions and Historic Preservation**  
3 **Commissions – Alternate Members**

4 FOR the purpose of authorizing a local jurisdiction that creates a historic district  
5 commission or historic preservation commission to designate one alternate  
6 member for the historic district commission or historic preservation commission  
7 to sit on the commission under specified circumstances; authorizing the local  
8 jurisdiction to designate a temporary alternate when the alternate member is  
9 absent; providing for the effective date of certain provisions of this Act;  
10 providing for the termination of certain provisions of this Act; and generally  
11 relating to the appointment of alternate members for historic district  
12 commissions and historic preservation commissions.

13 BY repealing and reenacting, with amendments,  
14 Article 66B – Land Use  
15 Section 8.03(a)  
16 Annotated Code of Maryland  
17 (2010 Replacement Volume and 2011 Supplement)

18 BY repealing and reenacting, without amendments,  
19 Article – Land Use  
20 Section 8–201  
21 Annotated Code of Maryland  
22 (As enacted by Chapter \_\_\_ (S.B. \_\_\_/H.B. \_\_\_)(2lr0396) of the Acts of the  
23 General Assembly of 2012)

24 BY repealing and reenacting, with amendments,  
25 Article – Land Use  
26 Section 8–202  
27 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (As enacted by Chapter \_\_\_ (S.B. \_\_\_/H.B. \_\_\_)(2lr0396) of the Acts of the  
2 General Assembly of 2012)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article 66B – Land Use**

6 8.03.

7 (a) (1) A local jurisdiction may create a “historic district commission” or  
8 “historic preservation commission”.

9 (2) (i) A historic district commission or historic preservation  
10 commission shall have at least five members.

11 (ii) Each member of a historic district commission or historic  
12 preservation commission shall possess a demonstrated special interest, specific  
13 knowledge, or professional or academic training in such fields as history, architecture,  
14 architectural history, planning, archeology, anthropology, curation, conservation,  
15 landscape architecture, historic preservation, urban design, or related disciplines.

16 (iii) A majority of the members of a historic district commission  
17 or historic preservation commission shall be residents of the local jurisdiction that  
18 created the commission.

19 (iv) Each local jurisdiction that creates a historic district  
20 commission or historic preservation commission under this subtitle shall establish and  
21 publicly adopt criteria for qualifying as a member of the commission.

22 (3) (i) Each member of a historic district commission or historic  
23 preservation commission shall be appointed for a 3–year term.

24 (ii) The terms of the members of the commission shall be  
25 staggered.

26 (iii) A member of a historic district commission or historic  
27 preservation commission is eligible for reappointment.

28 (iv) The appointing authority shall fill any vacancy on a  
29 commission for the unexpired term of the vacant position.

30 **(4) (I) EACH LOCAL JURISDICTION MAY DESIGNATE ONE**  
31 **ALTERNATE MEMBER FOR THE HISTORIC DISTRICT COMMISSION OR HISTORIC**  
32 **PRESERVATION COMMISSION WHO MAY SIT ON THE COMMISSION WHEN ANY**  
33 **OTHER MEMBER OF THE COMMISSION IS ABSENT.**



1 (xi) urban design; or

2 (xii) a related discipline.

3 (2) A local jurisdiction that creates a commission may establish and  
4 publicly adopt additional qualifications for a member of the commission.

5 (c) (1) The term of a member of a commission is 3 years.

6 (2) The terms of the members shall be staggered.

7 (3) A member is eligible for reappointment.

8 (4) The appointing authority shall fill any vacancy on a commission for  
9 the unexpired term of the vacant position.

10 **(D) (1) EACH LOCAL JURISDICTION MAY DESIGNATE ONE ALTERNATE**  
11 **MEMBER FOR THE HISTORIC DISTRICT COMMISSION OR HISTORIC**  
12 **PRESERVATION COMMISSION WHO MAY SIT ON THE COMMISSION WHEN ANY**  
13 **OTHER MEMBER OF THE COMMISSION IS ABSENT.**

14 **(2) WHEN THE ALTERNATE MEMBER IS ABSENT, THE LOCAL**  
15 **JURISDICTION MAY DESIGNATE A TEMPORARY ALTERNATE.**

16 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall  
17 take effect on the taking effect of Chapter \_\_\_ (S.B. \_\_\_/H.B. \_\_\_)(2lr0396) of the Acts  
18 of the General Assembly of 2012. If Section 2 of this Act takes effect, Section 1 of this  
19 Act shall be abrogated and of no further force and effect.

20 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions  
21 of Section 3 of this Act, this Act shall take effect June 1, 2012.